

Official Form 417A (12/18)

U.S. BANKRUPTCY COURT  
FILED  
TRENTON, NJ

19-29256

2023 MAR -2 P 1:02

[Caption as in Form 416A, 416B, or 416D, as appropriate] JEANNE A. NAUGHTON

**NOTICE OF APPEAL AND STATEMENT OF ELECTION** Blumack  
DEPUTY CLERK

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): Reza Farzan
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff  
☐ Defendant  
☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☒ Debtor  
☐ Creditor  
☐ Trustee  
☐ Other (describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Orders of 11/16/22 and 2/15/23 read into the microphone during court hearings
2. State the date on which the judgment, order, or decree was entered: 11/16/22 and 2/15/23

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Bayview Loan Attorney: Richard Gerbino  
Servicing LLC SKLH  
95 Mt. Bethel Road, Suite 200,  
Warren, New Jersey 07059
2. Party: Nationstar Attorney: Gregg Tabakin  
Mortgage LLC FSKS  
7 Centry Drive 2nd Floor  
Parsippany NJ 07054

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

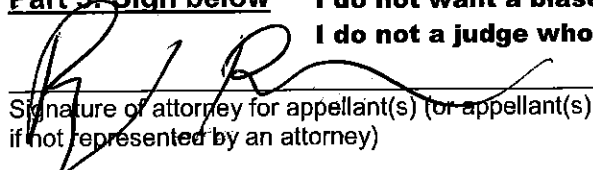
☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel. **I do not want Judge Frida Wolfson to hear this case because she is biased against me. I do not want Judge Michael Shipp to hear this case because of conflict of interests. He is heavily invested in bank stocks.**

**Part 5: Sign below**

**I do not want a biased judge to hear this case.**

**I do not want a judge who is invested in bank stocks to hear this case.**

Date: 3/2/2023

  
Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

**Reza Farzan**

**23 Twin Terrace Holmdel NJ 07733**

**732-778-5047**

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

x- - - - - x  
IN THE MATTER OF: . Case No. 19-29256 (CMG)  
 . Chapter 13  
REZA FARZAN, . Trenton, New Jersey  
 .  
Debtor, . November 16, 2022  
- - - - -

TRANSCRIPT OF PARTIAL VIRTUAL HEARING  
BEFORE THE HONORABLE CHRISTINE M. GRAVELLE  
UNITED STATES BANKRUPTCY JUDGE

**APPEARANCES:**

For Debtor: REZA FARZAN, Pro se

For secured creditor: SCHILLER KNAPP  
BY: RICHARD GERBINO, ESQ.  
95 Mount Bethel Road  
Warren, NJ 07059

Chapter 13 Trustee: ALBERT RUSSO, ESQ.  
3 AAA Drive., Suite 203  
Robbinsville, NJ 08691

ECRO Operator: Rachel Stillwell

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on the ground the court lacks Jurisdiction to adjudicate this matter. This court, through reference from the district court, has "original but not exclusive jurisdiction of all civil proceedings arising under title n, or arising in or related to cases under title 11." 28 U.S.C.A. § 1334(b) (Law.Coop. Supp. 1999). "Bankruptcy judges may hear and determine all cases under title 11 "'577 and all core proceedings arising under title u, or arising in a case under title u, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title." 28 U.S.C.A. § 157 (Law. Co-op. 1988). "Core proceedings include, but are not limited to ... (K) determinations of the validity, extent, or priority of liens .... " 28 U.S.C.A. § 157(b) (1) (Law. Co-op 1988)."

10. Bayview never proved Article III Injury in fact; Nationstar never proved Article III in fact. Bayview and National never had constitutional standing against standing to have a claim against me. This USBC never had jurisdiction over Bayview's claim and Bayview's transfer to Nationastart. This case law is an example that the Article III standing is universal on all claims including claims in US Bankruptcy Courts. IN RE: TRANSCARE CORP., et al., Debtors. United States Bankruptcy Court, S.D. New York. Signed October 18, 2018. **"The party invoking federal jurisdiction bears the burden of establishing its standing. Lujan v. Defenders of Wildlife,. 504 U.S. 555, 560-61, 112**

I N D E X

ORAL ARGUMENT	PAGE
BY MR. FARZAN	4/21
BY MR. RUSSO	19
DECISION	25

\*\*\*Transcriber Note: Telephone connections unclear.  
Indiscernibles in transcript.

extensively. Most of the times I have difficulty reading and understanding long and complex case laws.

6. I demand that this court takes judicial notice of my Affidavit, attached to my brief, I explained relevant facts regarding the POC, the documents submitted by Bayview as facts and evidence, the affidavit of my expert witness Joseph Esquivel, and my interactions with RightPath Servicing (RightPath).

7. In this memorandum of law I will clarify the facts and my understanding of the laws and case laws and why this very court must grant the reliefs that I requested in my notice of motion.

**I REQUEST THAT HON. CHRISTINE GRAVELLE RECUSE HERSELF FROM THIS CASE**

8. For the first time, on 5/10/22, I respectfully requested that Hon. Christine Gravelle recuse herself from this case for the following reasons stated in numbered paragraphs.

9. On 1/28/20, 3/10/20, 5/27/20, and 5/19/20 she denied jurisdiction and denied me justice based on the Rooker-Feldman Doctrine and used the alleged final judgment of the state trial court as the final judgment of the NJ Judiciary. She refused to allow my expert witness to testify to his affidavit of 3/29/2020 (Exhibit 2). In re Gold United States Bankruptcy Court, D. Massachusetts Apr19,2000 247 B.R. 574 (Bankr. D. Mass. 2000). ***"The Defendants request dismissal first***

1 THE COURT: Mr. Farzan is in Court, and we are -- Mr.  
2 Farzan do you want to enter your appearance for me please.

3 MR. FARZAN: Your Honor, I'd like to be sworn in,  
4 because I'd like to testify on my own behalf, based on my First  
5 Amendment and you know, present evidence to the record. I have  
6 a fact witness here, he is, because I have disability he will  
7 read the exhibits for you.

8 THE COURT: And the fact witness is? Do you want to  
9 introduce yourself.

10 MR. FARNIA: Sure, my name is Emilio Farnia and he  
11 asked me to be a witness, a fact witness for him.

12 THE COURT: And what is it, what facts did you  
13 witness?

14 MR. FARNIA: He asked me to have, to read the  
15 documents on the docket.

16 THE COURT: All right, you are not, you are not a  
17 witness to anything. You are simply assisting Mr. Farzan by  
18 reading something for him, is that what you are doing?

19 MR. FARNIA: Both. I'm here as a witness, I'm also  
20 here to assist him, but I would, because I have personal  
21 knowledge, what he showed me documents that he wants me to read  
22 and make sure he's verbally clear.

23 THE COURT: What you are familiar with is the fact  
24 that you've seen documents that Mr. Farzan has sent --

25 MR. FARNIA: Yes.

INTRODUCTION

1. My name is Reza Farzan. I am the Pro Se Debtor in this Bankruptcy Chapter 13 case. I am writing in support of my motion for reconsideration and to grant the following reliefs:

- a) Request that Hon. Christine Gravelle recuse herself from this case
- b) Allow me to subpoena Attorney Jenelle Arnold, Attorney Denise Carlon, and Attorney Richard Gerbino
- c) Allow me to testify on my own behalf under oath
- d) allow my fact witness, Emilio Farina, to testify under oath on the facts that Bayview submitted under POC on 3/5/20 and the transfer form of 9/6/22
- e) allow my expert witness, Joseph Esquivel, to testify to his affidavit of 3/29/20
- f) compel Bayview and Nationstar to reveal the owners of the note and servicers of the mortgage before and after the transfer of 9/6/22
- g) vacate the POC filed on 3/5/30
- h) stop the alleged transfer filed on 9/6/22

2. I am 73 years old with multiple medical conditions. I cannot work for long hours and I need to take frequent breaks, otherwise I space out and get confused. I need to review my work at least twice to catch the most obvious errors.

3. I belong to several NJ and US protected classes. In late 2015 Social Security Administration declared me disabled and awarded me disability benefits.

4. English is not my native language; I try to make my points in simple and short English statements. I try to avoid long sentences and long documents.

5. I have no training in law. When I have to read and understand a legal document I use Google search and Google Scholar



1 THE COURT: -- has given to you?

2 MR. FARNIA: Yes, I'm sorry Your Honor.

3 THE COURT: All right, so that's not a fact witness,  
4 but I understand what you are saying.

5 MR. FARNIA: No, no, maybe you misunderstood me, I'm  
6 sorry. I have personal knowledge of the documents that are on  
7 this docket that he showed me and I witnessed that are --

8 UNIDENTIFIED: Sorry to interrupt (indiscernible)

9 THE COURT: Okay, I was going to ask that -- before we  
10 start, I mean before I follow up on this, I'm sorry Mr. Farino  
11 let me ask Mr. Gerbino to enter his appearance because he's on  
12 the court solutions call.

13 MR. FARNIA: Sure, I know Mr. Gerbino.

14 MR. GERBINO: Good afternoon, Your Honor, Richard  
15 Gerbino Schiller Knapp Lefkowitz Hertzfel for the creditor.

16 THE COURT: Thank you. And Mr. Russo, do you want to  
17 enter your appearance?

18 MR. RUSSO: Albert Russo, Chapter 13 Trustee. The  
19 plan has been completed so we are just here for (indiscernible)

20 THE COURT: Understood. So let me -- we have to speak  
21 into the microphone, because the people that are on the  
22 telephone aren't going to be able to hear us. They can hear  
23 me, because I have a microphone right in front of me. But you  
24 guys will have to be --

25 MR. FARZAN: Sure.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

**Reza Farzan**  
**23 Twin Terrace**  
**Holmdel NJ 07733**  
**732-772-3461**  
**Raymondfarzan@gmail.com**

**In Re:**

**Reza Farzan Pro Se Debtor**

**Case No.: 19-29256-CMG**

**Chapter: 13**

**Adv. No.:**

**Hearing Date: 1/4/23**

**Judge: Hon. Christine M. Gravelle**

**Memorandum of Law**

**PRO SE DEBTOR MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION FOR  
RECONSIDERATION AND TO GRANT MULTIPLE RELIEFS**

1 THE COURT: Yes. So let me just start this by saying,  
2 you heard that Mr. Farzan that your plan is completed. Your  
3 Chapter 13 plan is completed and the only issue that we have  
4 today is your motion to disallow the debt transfer, right. The  
5 claim of the secured creditor was assigned to another entity  
6 and you've objected to that?

7 MR. FARZAN: Yes.

8 THE COURT: Okay. So Mr. Gerbino and Mr. Russo, Mr.  
9 Farzan has asked me to swear him in because he'd like to  
10 testify as to facts that are apparently relevant to this  
11 motion. I'm not quite sure how, but we can explore that, I  
12 guess. And he has brought along with him, Emilio Farino who  
13 is explaining that he is assisting Mr., -- he's been asked to  
14 assist Mr. Farzan because Mr. Farzan is disabled and Mr. Farino  
15 has been asked to read some of the documents that Mr. Farzan  
16 has brought in with him.

17 MR. GERBINO: Your Honor, if I may, I would object to  
18 any testimony by this other witness. I don't know who he is.  
19 I don't know if he intends on rendering an opinion. I have not  
20 been appraised post any intent to bring a witness. As far as I  
21 was aware this was just as, Your Honor stated a motion to set  
22 aside the transfer order, prohibit the transfer of servicing  
23 rights.

24 THE COURT: Right. So my understanding and Mr. Farino  
25 can correct me if I'm wrong is he's not testifying as to

1 anything he's merely assisting Mr. Farzan by reading a  
2 document. Correct?

3 MR. FARNIA: Yes, I'm witnessing that he is here to  
4 ask me to read documents and bring them into testimony into the  
5 record. Yes. And I think he said he wants to be sworn in  
6 before we go further, I think.

7 THE COURT: He did say that. I don't think that that  
8 is necessary. I mean if I get to a point where I feel like the  
9 testimony needs to be sworn, and that it's even relevant to  
10 this motion, I would be happy to swear you in Mr. Farzan, but  
11 tell me first what -- explain to me why you think that the  
12 claim cannot be assigned to another entity.

13 MR. FARZAN: Your Honor, as I said it's my  
14 constitutional right to be sworn in because this is -- this is  
15 about my house. Bayview filed forged documents into this --

16 THE COURT: Hang on a second, Mr. Farzan. Can you  
17 hear him Mr. Russo and Mr. Gerbino?

18 MR. FARNIA: I can repeat -- He's saying -- I'm sorry  
19 do you want me to repeat --

20 UNIDENTIFIED: (indiscernible)

21 MR. FARNIA: He's saying that --

22 THE COURT: Mr. Farzan why don't you try coming up to  
23 the podium here.

24 MR. FARNIA: He's having trouble with his speech --  
25 I'll just read, what he's saying is he wants to be sworn in --

1 his first amendment right to redress also petition the  
2 Government before he goes any further.

3 THE COURT: You don't have a Constitutional right to  
4 be sworn in, in order to tell me what your objection is to the  
5 transfer of the document, transfer of the claim. So I just  
6 want you to give me a basis of why you are objecting to the  
7 claim being transferred to a different entity.

8 MR. FARZAN: Your Honor, NationStar wrote a letter to  
9 me and claimed that the American Mortgage Network, originated  
10 the loan in 2005 but also they claim that Freddy Mac is the  
11 original creditor to this loan. And Bayview has had multiple  
12 pleadings that they own the loan or Chase own the loan or  
13 Freddy Mac owned the loan. But there's no Freddy Mac is not on  
14 any of the documents that presented by Bayview. I want to go  
15 through the documents and show you that these documents do not  
16 have Freddy Mac at all, and if Freddy Mac was the original  
17 creditor then the documents that was filed under proof of claim  
18 were wrong because there's no Freddy Mac in there.

19 THE COURT: That won't be necessary Mr. Farzan,  
20 because Bayview has assigned their claim to NationStar. I  
21 don't see any reason why they cannot do that. It's a business  
22 decision to make, it's the -- the claim has been assigned. The  
23 claim that's been assigned it, -- it can't be expanded or  
24 contracted based on an assignment. It is what it is. And I've  
25 already decided the issues that you brought up about Bayview.

1 I've decided it and a number of courts have decided it. So  
2 those decisions go to NationStar as well. Nothing changes with  
3 the Bayview loan or the status of the Bayview loan. NationStar  
4 has what it's been assigned that's it. No more, no less.

5 So I don't need to go back over what your problems  
6 are with the Bayview loan. I understand what your arguments  
7 are, because I've heard them a number of times. And the  
8 district court has heard it a number of times and I believe the  
9 court of appeals heard it a number of times. So we don't need  
10 to go over those again. This is simply what I want to hear is  
11 why you think that Bayview cannot assign its claim to another  
12 entity, in this case NationStar.

13 MR. FARZAN: Bayview does not have a claim against me.

14 THE COURT: But that's already been decided Mr.  
15 Farzan. I know you don't agree with my decision or with any  
16 other decision of any other court, but I'm not sure what I can  
17 do for you about that.

18 MR. FARZAN: You can allow me to testify and put these  
19 exhibits on the record in my case.

20 THE COURT: No, I'm not going to allow you to do that.  
21 I've allowed you to do this many times before and I'm not going  
22 to allow you to do it, simply because you don't want a claim  
23 transferred. It doesn't have anything to do with the transfer  
24 of the claim, it's not relevant.

25 MR. FARZAN: Well, I can question fraud any time, Your

1 Honor, in this --

2 THE COURT: And you have, --

3 MR. FARZAN: Okay.

4 THE COURT: -- you have questioned fraud many times,  
5 and I've listened to it, and I've ruled on it. As has other  
6 courts, so I'm not going to rule on it again, I'm not going to  
7 listen to it again. This is not the, this not, there is no  
8 grounds to do that in this hearing. This hearing is simply  
9 whether or not NationStar is allowed to take, to buy a claim or  
10 take an assignment of a claim from Bayview.

11 MR. FARZAN: I want to appeal your decision, Your  
12 Honor.

13 THE COURT: Okay. You are certainly have every right  
14 to do that and you know, I welcome that really. I understand  
15 that this is a very difficult situation for you Mr. Farzan, and  
16 I can see that you are suffering from it.

17 (Pause)

18 MR. FARNIA: I just want to make sure, he's not being  
19 --

20 (Farina/Farzan consulting)

21 THE COURT: Mr. Farina.

22 MR. FARNIA: Yes.

23 THE COURT: I understand what Mr. Farzan has told you  
24 and I'm telling him that all of the documents that he's shown  
25 you, that what's he's told you about the note, what he's told

1 you about the complaints and what's wrong with it, he's also  
2 told me and submitted those documents to the Court on a number  
3 of occasions. I've reviewed everything, I've listened to Mr.  
4 Farzan's arguments on it. I've listened to Mr. Gerbino's  
5 argument on it, and I've ruled in favor of Mr. Gerbino. So you  
6 may be curious to know, to go back over the past bankruptcies  
7 that Mr. Farzan has filed and look at the dockets, because this  
8 isn't the place to do this, right now.

9 MR. FARNIA: I understand.

10 THE COURT: It's been done. And it's been appealed.  
11 So he can certainly appeal my ruling today on whether or not  
12 the claim can be assigned.

13 MR. FARNIA: I think, what he is saying to me is, he  
14 is here on his First Amendment to redress and also petition the  
15 Government that he's saying he has a document now that you've  
16 shown that hasn't been presented and the bottom line is -- you  
17 said the loan but you weren't specific on the document. You  
18 said the loan or you said something, but I think he's being  
19 specific on the note. The only thing that gives a claim for  
20 him, the only thing that gives anybody a claim is a note,  
21 right, from what he is telling me.

22 THE COURT: Mr. Farina?

23 MR. FARNIA: Yes.

24 THE COURT: Are you an attorney?

25 MR. FARNIA: I've been called worse than that, but I'm



1 not an attorney no. I'm only kidding --

2 THE COURT: A used car salesman perhaps.

3 MR. FARNIA: No, that's even worse

4 (laughter)

5 THE COURT: I mean, because you are not really, you  
6 are not allowed to appear on behalf of someone else and make  
7 arguments, legal arguments on their behalf. It's the  
8 unauthorized practice of law. I understand that you are  
9 sympathetic to Mr. Farzan and that you seem to think that there  
10 is a problem here.

11 MR. FARNIA: No, just to clear the record, he's from  
12 what I saw driving here, and coming up the stairs I'm just  
13 concerned about his health that's all I'm saying. And then  
14 from what he told me coming here, I've personal knowledge I  
15 think I'm the only person that has personal knowledge right now  
16 what's happened and what he told me now he's pausing and that  
17 wasn't the same person that's been coming up and every minute  
18 it's getting a little bit different. So I'm just concerned  
19 about him. That's all. And I think --

20 THE COURT: I'm glad that you are here, --

21 MR. FARNIA: And I'm here as a witness because --

22 THE COURT: -- I'm glad that you are here to help him  
23 out.

24 MR. FARNIA: -- yeah and he's an older gentleman,  
25 he's handicap and what he's standing on is his First Amendment

1 right, and I think he said it, but nothing has been taken here,  
2 so I don't know what exactly I'm witnessing here --

3 THE COURT: Right, all right, so I'm going to -- I'm  
4 certainly willing to listen to you and I've listened to you.  
5 The claim of a First Amendment right doesn't make any sense  
6 here, okay. Because Mr. Farzan has every right to pursue his  
7 rights and privileges in this Court, which he has done. He has  
8 done that in this Court, he has done that in State Court, he  
9 has done that in the District and Appellate Courts, okay.  
10 Those are his rights. He doesn't have a constitutional right  
11 to just come into court and say whatever he wants to say there  
12 are rules here. Right? So I'm enforcing the rules, I'm going  
13 to read my decision on this motion into the record. I wanted  
14 Mr. Farzan, I wanted to give Mr. Farzan an opportunity to tell  
15 me why the claims shouldn't be assigned. He wants to go back  
16 to the problems with the Bayview Loan, that's not relevant,  
17 it's already been decided. So I'm going to read this, my  
18 decision into the record and then you'll be able to -- Mr.  
19 Farzan you will be able to appeal that. And Rachel if you  
20 would mark it, decision so it will be easier for you to access  
21 Mr. Farzan, for you, for the next step.

22 So since the inception of this bankruptcy case in  
23 2019 Mr. Farzan has contested the validity of a mortgage lien  
24 against his property located at 23 Twin Terrance Holmdel New  
25 Jersey, which I'm going to refer to as the Property.

1           You can sit down Mr. Farzan if you are more  
2 comfortable.

3           So Mr. Farzan contests the validity of the Mortgage,  
4 despite the existence of a final judgment in foreclosure  
5 against the property. In the bankruptcy case the issue has  
6 resulted in three unsuccessful appeals and one pending appeal,  
7 all based on similar theories relating to the standing of the  
8 holders purported maladies in the assignments of the debt  
9 instruments.

10           In the present matter, Mr. Farzan objects to a debt  
11 transfer of the secured claim from Bayview Loan Servicing LLC  
12 to NationStar Mortgage LLC. Because he has presented no valid  
13 arguments relating to the transfer at issue and instead  
14 choosing to revisit those positions regarding the validity of  
15 the note and mortgage, which arguments have already been  
16 rejected, this objection must be denied -- or the motion to  
17 disallow the debt transfer must be denied.

18           Parties are familiar with the factual history  
19 relating to the mortgage loan transaction which has been  
20 detailed in this Court's decisions at ECF filing, -- ECF 54 and  
21 ECF 121. Those decisions are incorporated herein and the  
22 history need not be repeated once again in any great detail.  
23 To briefly summarize Mr. Farzan has extensively litigated the  
24 enforceability of the note and mortgage securing the property  
25 in both the State and Federal Courts. In his bankruptcy case,

1 -- in this bankruptcy Bayview filed proof of claim 2-1 in the  
2 amount of \$596,486.17 as being secured by the property. Mr.  
3 Farzan challenged the claim by filing both an adversary  
4 proceeding against Bayview, that's adversary proceeding number  
5 19-2228 as well as a motion to disallow the proof of claim and  
6 I refer you to ECF number 46. In turn Bayview filed a motion  
7 for relief from stay at ECF 48.

8 The adversary proceeding was dismissed upon Bayview's  
9 motion. Mr. Farzan appealed the decision to both the District  
10 Court and the Third Circuit with the Third Circuit affirming  
11 the dismissal on the basis that his claims were barred by the  
12 entire controversy doctrine and res judicata. I refer you to  
13 In Re: Farzan 2021 West Law, 407, 5750 it's a Third Circuit  
14 decision that was entered on September 8th, 2021.

15 This Court similarly granted Bayview's motion for  
16 relief from stay and denied Mr. Farzan's claim objection. Mr.  
17 Farzan again appeal those decisions. The District Court  
18 dismissed the appeals on procedural grounds which dismissal was  
19 affirmed by the Third Circuit and that's In Re: Farzan 2022  
20 West Law, 1238354. That's a Third Circuit decision entered on  
21 April 27th, 2022. During that time with the automatic stay  
22 having been lifted and no stay pending appeal having been  
23 granted, State Court foreclosure judgment became a final  
24 judgment.

25 After the Covid moratorium on foreclosure sales in

1 New Jersey was lifted the property was scheduled for sale which  
2 lead to a new state of litigation. Mr. Farzan came before the  
3 Bankruptcy Court seeking a stay of the Sheriff's sale which was  
4 denied, that's at ECF 102 and 110. Less than one week later he  
5 filed a similar motion seeking the multiple reliefs of vacating  
6 the orders, granting stay relief and denying the claim  
7 objection, staying the Sherrif's sale and calling for my  
8 recusal. That's at ECF 112.

9 The Motion was based on the same underlying legal  
10 theories underpinning his prior attacks on the validity of the  
11 mortgage documents. The motion was denied and that order has  
12 since been appealed and is now pending before the District  
13 Court. On November -- on September 6th of this year,  
14 NationStar filed a transfer of claim that's ECF 140 which  
15 triggered a corresponding notice of transfer of claim which  
16 appears at ECF 141. On September 26th 2022 Mr. Farzan filed  
17 the present motion through which he seeks various reliefs.

18 The primary relief appears to be the disallowance of  
19 the debt transfer and the removal of the proof of claim.  
20 Additionally, Mr. Farzan seeks the restoration of his  
21 constitutional rights, the introduction of testimony from an  
22 expert witness and additional discovery. NationStar has filed  
23 opposition.

24 And I believe Mr. Farnia, you are not -- and you  
25 readily admit you are not an expert witness --

1 MR. FARNIA: Not an expert --

2 THE COURT: And I think we understand that you are not  
3 even a fact witness but you are assisting Mr. Farzan in the  
4 case that he needed assistance in reading documents into the  
5 record.

6 MR. FARNIA: No, I am a fact witness to what he's  
7 showing me through the dockets and that he's shown me dockets  
8 that MERS has no -- has been res judicata out.

9 THE COURT: Right, well if that's your definition of  
10 fact witness, I'm a fact witness to that too, so he's got fact  
11 witnesses here that see the documents and have seen the  
12 documents that he has filed with the Court and shown.

13 Federal Rule of Bankruptcy Procedure 3001 controls  
14 proofs of claim filed in Bankruptcy cases. With regards to  
15 transfers of secured claims after the filing of a proof of  
16 claim the rule provides that after the filing of such a  
17 transfer the clerk shall immediately notify the alleged  
18 transferor by mail of the filing of the evidence of the  
19 transfer and objection thereto, if any, must be filed within 21  
20 days of the mailing of the notice or within any additional time  
21 allowed by the Court. If a timely objection is filed by the  
22 alleged transferor, the Court after notice and a hearing shall  
23 determine whether the claim has been transferred for security.  
24 And that's Federal Rule of Bankruptcy Procedure 3001(e)(4)

25 NationStar submits that by the language of the rule

1 only the party who filed the original proof of claim or a  
2 previous transferee has standing to object to such a transfer.  
3 Mr. Farzan's reply does not address this issue. While  
4 certainly a debtors a pecuniary interest gives him the ability  
5 to object to claims generally, it is unclear as to whether that  
6 interest extends to objecting to the transfers of otherwise  
7 valid claims.

8 Despite Mr. Farzan's arguments to the contrary, the  
9 law of the this case as affirmed by the Third Circuit poses  
10 that the proof of claim is valid. Ultimately the Court need  
11 not resolve whether Mr. Farzan has standing to object because  
12 the substance of his objection is insufficient to challenge the  
13 transfer.

14 His arguments have nothing to do with the transfer  
15 from Bayview to NationStar but rather relate back to issues  
16 with assignments that occurred well prior to the entry of the  
17 foreclosure judgment and complaints against the prior courts  
18 that have ruled on the matter. That is evidenced in his  
19 request for relief. He seeks entry of expert testimony, we  
20 have clarified that, that's not what it is. Based upon a 2020  
21 affidavit, he asks to subpoena counsel for NationStar based  
22 upon pleadings made in the foreclosure in 2019. His memorandum  
23 of law in support of his motion has a section dedicated to  
24 purported abuse of discretion by the trial judges and  
25 references State requirements to enforce a mortgage note.

1 His reply brief argues that the State Court lack  
2 jurisdiction over the foreclosure complaint. The time to make  
3 these arguments has come and gone and has been the subject of  
4 extensive litigation. The transfer of the claim does not  
5 effect the validity of the underlying judgment as litigated in  
6 State and Federal Court. It does not effect the underlying  
7 validity of the proof of claim itself as that has also been  
8 litigated in this Court and up to the Third Circuit.

9 For these reasons res judicata and the entire  
10 controversy doctrine remain as relevant as they were, when the  
11 Third Circuit issues its decision against Mr. Farzan with  
12 regards to the motion to dismiss the adversary proceeding. And  
13 they issued the Third Circuit issued its decision at 2021 West  
14 Law 4075750. For these reasons Mr. Farzan's motion is denied.

15 MR. FARZAN: Your Honor, there is no note here and  
16 there is no other "three injury" (phonetic) you know, Bayview  
17 has no right to transfer because Bayview does not have anything  
18 to transfer, there's no note. And also --

19 THE COURT: The problem, and I think I've made it  
20 clear in my decision Mr. Farzan is that, that's what you say,  
21 but that's not what I say and that's not what the District  
22 Court says and that's not what the Third Circuit says and  
23 that's not what the State Court says. And they have all  
24 considered -- we have all considered all of your arguments. So  
25 you now have another decision that you can appeal to the



1 District Court and see if that's any help to you. I'm sorry.

2 MR. FARZAN: This is the job of Trustee to look into  
3 this fraud.

4 THE COURT: You've made that argument as well. So  
5 I'm not going to listen to any more. Mr. Gerbino or Mr. Russo  
6 do you have anything more to say?

7 MR. GERBINO: I do not, Your Honor.

8 MR. FARZAN: I object --

9 MR. RUSSO: (indiscernible)

10 THE COURT: All right, thank you.

11 MR. FARZAN: I object to Mr. Gerbino's --

12 MR. GERBINO: Thank you, Your Honor.

13 MR. FARZAN: -- because he is not, he is a not a  
14 witness, Your Honor. He has to testify under oath --

15 THE COURT: This hearing is concluded, your objection  
16 is noted. Mr. Gerbino is an attorney representing his client,  
17 he's not a witness. Thank you.

18 MR. GERBINO: Thank you.

19 MR. FARNIA: Thank you.

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C E R T I F I C A T I O N

1 I, TRACY GRIBBEN, court approved transcriber, certify  
2 that the foregoing is a correct transcript from the official  
3 digital audio recording of the proceedings in the above-  
4 entitled matter.

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6  
7 /s/ TRACY GRIBBEN

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10 TRACY GRIBBEN TRANSCRIPTION, LLC

November 20, 2022

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